

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	Case No. 5:16-CV-00073
v.)	
)	
EDWARD S. FLUME, JR.,)	
Defendant.)	
)	
and)	
)	
FIDELITY INVESTMENTS,)	
NATIONAL FINANCIAL SERVICES, LLC.,)	
and)	
BBVA COMPASS,)	
Garnishees.)	

**MOTION FOR A STAY OF THE CASE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the entire case, except the trial date, in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal plaintiff. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the plaintiff are prohibited from working, even on a voluntary basis, except in limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the case, except trial date, until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Counsel for the plaintiff has indicated that defendants Edward Flume Jr., and BBVA Compass are not opposed to the relief sought in the motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the entire case in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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United States Attorney

/s/ Herbert W. Linder
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ATTORNEYS FOR UNITED STATES

CERTIFICATE OF CONFERENCE

On January 2, 2019, I conferred with Spencer Shytles, Counsel for BBVA, and David Rodriquez, Counsel for Edward Flume. Both counsel stated that they were not opposed to the relief sought by this motion.

/s/ Herbert W. Linder
Herbert W. Linder

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2019, this motion was served by electronic service or regular mail to the following:

R. Spencer Shytles
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Attorney for BBVA Compass,

David Rodriquez
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/s/ Herbert W. Linder
Herbert W. Linder